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13 **IN THE UNITED STATES DISTRICT COURT**
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
15 **OAKLAND DIVISION**
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FRIENDS OF OUTLET CREEK,

Plaintiff,

vs.

GRIST CREEK AGGREGATES, LLC,

Defendant.

Case No. 1:16-cv-00431-JSW

NOTICE TO COURT

Complaint Served: February 29, 2016

*(Federal Water Pollution Control
Act, 33 U.S.C. §§ 1251, et seq.)*

1 In its October 12, 2018 Order Requiring Statement from Parties (Docket No. 84), the
2 Court ordered each Party to each file a notice with the Court that sets forth in no more than two
3 sentences their position on the narrow, legal issue referenced in the Parties' prior filings with the
4 Court concerning Plaintiff's first claim for relief. In response to the Court's Order, Defendant
5 provides the following:

6 **Issue:** The narrow legal issue before the Court, as referenced in the motion to extend
7 deadlines (Docket No. 39 at 3:6), is the threshold issue of whether the Clean Water Act required
8 Defendant to obtain a separate Clean Water Act NPDES permit to divert storm water runoff from
9 the California Department of Transportation's adjacent municipal ("MS4") facilities to prevent
10 such runoff from entering Defendant's industrial facility.

11 Respectfully submitted,

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13 Dated: October 22, 2018

HARRISON, TEMBLADOR, HUNGERFORD &
JOHNSON, LLP

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16 By: /s/_____

17 Attorneys for Defendant
18 GRIST CREEK AGGREGATES, LLC
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